



## **H.R. 1497 -- Legal Timber Protection Act**

### **FLOOR SITUATION**

H.R. 1497 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Rep. Earl Blumenauer (D-OR) on March 13, 2007. The bill was ordered to be reported by the House Committee on Natural Resources November 7, 2007.

H.R. 1497 is expected to be considered on the House floor on December 4, 2007.

### **BACKGROUND**

The Lacey Act Amendments of 1981 (P.L. 97-79) was approved on November 16, 1981, and later amended (P.L. 100-653). This law prohibited the import, export, sale, acquisition, or purchase of fish, wildlife or plants (only plants listed under CITES or ESA) that were taken, possessed, transported, or sold:

- In violation of U.S. or Indian law; or
- In interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law.

The law also established criminal and civil penalties for violating these prohibitions, including jail sentences and fines up to \$250,000 for individuals and \$500,000 for organizations. The law also allows seizure of goods.

### **SUMMARY**

H.R. 1497 expands the application of the Lacey Act to all wild plants, roots, seeds, plant parts, and products, except common food crops or cultivars. The bill would prohibit any person from possessing, importing, exporting, transporting, selling, receiving, acquiring, or purchasing in interstate or foreign commerce any plant taken in a foreign country, that is:

- Taken, transported, or sold without authority required by, or in violation of, any law that applies at the place where the harvest, taking, transport, or sale occurs, including any such taking in a park, forest reserve or other officially protected area;
- Taken without paying royalties, taxes, or stumpage fees required by the law of the place where the taking occurs;

- Exported or transshipped in violation of any limitation under any applicable law;
- Taken, exported, or transshipped in violation of any international law, treaty, or international agreement; or
- Without any official documentation that is required.

The bill also prohibits the import, export or transport of any container or package that contains a plant unless the container or package is appropriately marked and labeled with a plant declaration defined in the bill. The bill excludes packaging material that is used to import another product unless the packaging material is the item being imported.

*Note: Under current law, the prohibition on the export or transport of containers and packages that are not appropriately labeled applies only to fish and wildlife.*

The bill broadens the definition of “plant” to include all plants, roots, seeds, or other parts and plant products, except common food crops and cultivars (currently, the Lacey Act only applies to plants, roots, seeds, etc listed under CITES or ESA).

The bill delays for three years the implementation for non-woody plants.

## **COST**

CBO estimates that implementing the bill would cost the federal government \$40 million over the 2008-2012 period, assuming appropriation of the necessary amounts.

[CBO Estimate: H.R. 1497](#)

## **STAFF CONTACT**

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